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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,262	03/02/2005	Juan Simon Bacardit	803-02-236	7056

7590 11/03/2006  
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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/526,262

Applicant(s)

BACARDIT ET AL.

Examiner

Thomas J. Williams

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-16 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/02/05</u> | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the priority papers, the information disclosure statement and the oath filed March 2, 2005.

#### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: page 9 line 27, it appears "spring 22" should be rewritten as "spring 52".

Appropriate correction is required.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: line 15, "a seat on the distributor plunger" should be rewritten as "the seat on the distributor plunger", since this element is already recited. Appropriate correction is required.
5. Claim 12 is objected to because of the following informalities: line 3, "a rest position" should be rewritten as "the rest position". Appropriate correction is required.

Art Unit: 3683

6. Claim 13 is objected to because of the following informalities: lines 10-11, "a rest position" should be rewritten as "the rest position". Appropriate correction is required.
7. Claim 14 is objected to because of the following informalities: line 3, "a reaction force" should be rewritten as "the reaction force". Appropriate correction is required.
8. Claim 15 is objected to because of the following informalities: line 6, "a reaction force" should be rewritten as "the reaction force". Appropriate correction is required.
9. Claim 16 is objected to because of the following informalities: line 3, "a reaction force" should be rewritten as "the reaction force". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 6-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
12. Claim 6 recites the limitation "the sleeve" in 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 7-16 are rejected due to their dependence upon claim 6.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3683

14. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/32488 A1 to Tsubouchi et al.

US 6,755,116 B1 is the English language equivalent to WO 01/32488.

Re-claim 1, Tsubouchi et al. disclose a pneumatic brake booster, comprising: a piston 22 mounted between a control rod 28 and a push rod 55, the control rod is terminated by a distributor plunger 37 guided in a housing of the piston, a three way valve 36 is mounted in the piston around the control rod and comprises a shutter 41 engaging a seat 38 of the piston and a seat 37a of the distributor plunger, a cylindrical sleeve 400 is mounted in an axially sliding manner in the housing around the plunger, spring 47 permanently urges the sleeve toward the shutter of the three way valve and moves the shutter away from the seat 37a on the plunger 37 and thus increase the supply of atmospheric air to a working chamber 24 of the booster, 48 functions as a means for axially locking the sleeve 400 when the shutter is in a moved away position, and means for axially unlocking the sleeve (interpreted as moving element 48 to an open state), sensitive to the speed of movement of the control rod and the plunger in the direction of braking and which unlock the sleeve when this speed is at least equal to a predetermined value (see column 9 lines 1-17), the means for axially locking the sleeve is arranged in the housing of the piston between the plunger and the piston and comprise an elastically deformable element for retaining the sleeve, the element is mounted in an annular groove 50a in the body of the piston, it is noted that element 50 is fixed to piston 22 and moves in accordance with piston 22.

Re-claim 2, a part 52a of the retaining element 48/52 bears on a ramp 37b of the plunger 37 such that it can be moved away from the plunger and release the sleeve when the plunger is moved axially toward the push rod 55 with respect to the piston 22.

Art Unit: 3683

15. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0056362 A1 to Inoue et al.

Re-claim 1, Inoue et al. disclose a pneumatic brake booster, comprising: a piston 11/12 mounted between a control rod 23 and a push rod 55, the control rod is terminated by a distributor plunger 24 guided in a housing of the piston, a three way valve is mounted in the piston around the control rod and comprises a shutter 16 engaging a seat 18 of the piston and a seat 22 of the distributor plunger, a cylindrical sleeve 21 is mounted in an axially sliding manner in the housing around the plunger, spring 61 permanently urges the sleeve toward the shutter of the three way valve and moves the shutter away from the seat 22 on the plunger 24 and thus increase the supply of atmospheric air to a working chambers B/D of the booster, means for axially locking the sleeve 21 when the shutter is in a moved away position, and means for axially unlocking the sleeve (interpreted as element 69, i.e. the sleeve is free to move with the piston), sensitive to the speed of movement of the control rod and the plunger in the direction of braking and which unlock the sleeve when this speed is at least equal to a predetermined value (see column 7 lines 58-67 to column 8 lines 1-7), the means for axially locking the sleeve is arranged in the housing of the piston between the plunger and the piston and comprise an elastically deformable element for retaining the sleeve, the element is mounted in a slot 68 in the body of the piston.

Re-claim 3, the retaining element is formed by a spring steel wire comprising at least one kink housed in the slot in the housing of the piston and at least one kink housed in a slot in the sleeve.

Art Unit: 3683

*Allowable Subject Matter*

16. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 6-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miwa, Tsubouchi et al. and Inoue et al. each teach a pneumatic brake booster with a means for locking and unlocking a sleeve member.

22. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Tuesday from 1:00 PM to 7:00 PM and Wednesday-Friday from 6:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

November 1, 2006

**THOMAS J. WILLIAMS**  
**PRIMARY EXAMINER**

*Thomas Williams*  
AU 3683  
11-01-06